Article 14.4 of Regulation (EC) 216/2008

(Text with EEA relevance)

Exemption Notification form

*This template is recommended to be used for notification of exemptions against Implementing Rules to Regulation (EC) No 216/2008.*

*Once completed by the NAA, this template should be sent to EASA (*[exemptions@easa.europa.eu](mailto:exemptions@easa.europa.eu)*) as soon as possible in parallel / advance of the formal notification via the Permanent Representation, to EASA, Member States and the European Commission.*

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| --- | --- | --- |
| **Notifying State** | | |
| Member or Associated State [[1]](#endnote-1) | xx | |
| Reference of the notification from the State[[2]](#endnote-2) | xxxxxxc | |
| Date of the notification[[3]](#endnote-3) | DD/MM/YYYY | |
| **Exemption** | | |
| Title | **Covid19 – outbreak: Deferral of applicability of requirements on PBN training.** | |
| Domain | ACW | |
| Exempted requirements[[4]](#endnote-4)  (select as applicable) | Article 4a(5) of Regulation (EU) No 1178/2011 | |
| Reason for notification[[5]](#endnote-5) | Repetitive exemption or extension □  Exemption granted for more than 2 months X | |
| Organisation, operator, aerodrome or person whom the exemption is granted to[[6]](#endnote-6) | Holders of instrument ratings as well as training organisations for instrument rating training. | |
| Aircraft  type/model/variant[[7]](#endnote-7) | N/A | |
| Serial no.[[8]](#endnote-8) |  | |
| Registration[[9]](#endnote-9) |  | |
| Type of operation[[10]](#endnote-10) | NCO | |
| ICAO location indicator (when applicable) | N/A | |
| Exemption applicability date[[11]](#endnote-11) | Issuance date: \*2020/08/26 | Expiry date: 2021/04/25 |
| Reference to previous similar exemptions, if any | date of the earlier exemption granted:  N/A  If applicable,  reference of former notification: | |
| Details of the exemption  (attach the exemption)[[12]](#endnote-12) | In accordance with Article 4a(5) of Regulation (EU) No 1178/2011, pilots holding instrument ratings (IRs) must obtain performance-based navigation (PBN) privileges for every IR by **25 August 2020** at the latest.  In view of the difficulties experienced by pilots in fullfiling that requirement due to the COVID-19 outbreak, [MS] will defer from the requirements of Regulation (EU) No 1178/2011 as follows:  By way of derogation from Article 4a (5) of Regulation (EU) No 1178/2011, pilots holding an instrument rating (IR) without Performance Based Navigation (PBN) privileges may, until **25 April 2021**:    (a) only fly on routes and approaches that do not require PBN privileges; and  (b) revalidate their IR without PBN items.  After **25 April 2021**, PBN privileges will be required for every IR in accordance with Article 4a (5) of Regulation (EU) No 1178/2011. | |
| Reasons for granting exemption[[13]](#endnote-13)  (select as applicable) | Urgent unforeseeable circumstances  The COVID-19 outbreak has necessitated the closure of all flight training activities so that training organisations are unable to provide PBN training in accordance with Article 4a of Regulation (EU) No 1178/2011.  Urgent operational needs  With no exemption in place, the stop of any training activity in the context of the COVID-19 outbreak would result in pilots not being able to comply with the PBN requirement in Article 4a of Regulation (EU) No 1178/2011 and, consequently, not being able to continue with their flying activity even if this was possible on non-PBN routes and approaches. Postponing the deadline for completion of PBN training grants the pilots sufficient time for completion of this training after the end of the COVID-19 lockdown measures that are affecting flight training. | |
|  | |
| In case of non approved change/repair:[[14]](#endnote-14) | If applicable, please refer to the EASA Project number: N/A  If no Project number, classification of the change/repair in accordance with Part 21:  Minor □ / Major □ | |
| Justifications of the maintained Level of Safety;  Mitigating measures, if any[[15]](#endnote-15) | Since current comprehensive licensing requirements fully remain in place during the exemption period, no additional mitigation measures are deemed necessary. | |
| Additional observations[[16]](#endnote-16)  (if any) |  | |
| Contact Details of NAA[[17]](#endnote-17) | First name  Surname  E-mail  Phone | |
| Agency Use | | |
| Date received |  | |
| Date and reference of recommendation |  | |

This form should be used to provide the basic details regarding the exemptions to be notified as per Article 14(4) of Regulation (EC) 216/2008. Provision of the data request in English will assist in processing the Agency recommendation in a timely manner

For instructions, please see details next page.

Instructions

1. State where the notification of exemption comes from. [↑](#endnote-ref-1)
2. Reference of the notification letter from the Member State or associated State to the Commission, the Agency and the other Member States. [↑](#endnote-ref-2)
3. Date of issuance of notification letter as mentioned in block 2. [↑](#endnote-ref-3)
4. Refer to Regulation (EC) 216/2008 (hereafter referred to as “Basic Regulation”) and articles. Basically, reference shall be made to Basic Regulation Article 14(4). Specific reference to Implementing Rules can be given in addition (example: Part 21, Part M … with the applicable paragraph corresponding to the NAA remit). [↑](#endnote-ref-4)
5. According to Basic Regulation Article 14(4) , the exemption shall be notified only in those two cases:

   If the exemption is repetitive.

   In this case, and if the former exemption was already notified to the Commission (or to EFTA Surveillance Authority, if applicable), to the Member States and to the Agency: provide the reference of the corresponding notification.

   If the exemption is granted for more than 2 months. [↑](#endnote-ref-5)
6. Name of the organisation, operator,aerodrome or person whom the exemption is granted to. [↑](#endnote-ref-6)
7. Refer to the aircraft type/model/variant concerned by the exemption. [↑](#endnote-ref-7)
8. Refer to the registration concerned by the exemption. [↑](#endnote-ref-8)
9. Refer to the serial number concerned by the exemption. [↑](#endnote-ref-9)
10. If the information is relevant to the exemption, indicate the category of operations (e.g. Commercial Air Transport, private). [↑](#endnote-ref-10)
11. Date of the issuance and date of expiry of the exemption. [↑](#endnote-ref-11)
12. The description of the exemption should allow the Agency’s experts to provide a technical recommendation.

    In the case of a non approved change or repair, the title of the change/repair and the reason of non‑approval shall be given. Classification of the change/repair shall also be indicated in block 12.

    In the case where the change/repair is handled by an approved Design Organisation, brief description of the change/repair shall allow the experts to evaluate the technical status of the change/repair and to assess if the exemption complies with the general safety objectives of the Basic Regulation. [↑](#endnote-ref-12)
13. As per Basic Regulation Article 14(4), the exemption shall be granted only in the event of unforeseen urgent operational circumstances or operational needs of a limited duration. The corresponding case needs to be ticked and a short justification provided. [↑](#endnote-ref-13)
14. In the case where the change/repair is handled by the Agency, the Project number allocated by the Agency after receipt of the application for approval shall be provided so that the Agency’s experts can identify the files. [↑](#endnote-ref-14)
15. Describe how it is ensured that the level of safety is not adversely affected and what mitigating measures are put in place, if any [↑](#endnote-ref-15)
16. Any additional information that can help the Agency to provide a recommendation to the Commission can be added there. [↑](#endnote-ref-16)
17. Provide contact details (e-mail and phone) of the NAA official in charge of this exemption in the case where additional information would be required by the Agency. [↑](#endnote-ref-17)